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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Luciano Salice

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EXAMINER

SULLIVAN, MATTHEW J

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,826	Applicant(s) SALICE, LUCIANO	
	Examiner MATTHEW SULLIVAN	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Arguments/Remarks, filed 2/5/09, with respect to the rejection(s) of claim(s) 1-4 under Ferrari, Kawano and Mueller have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Salice, European Patent 1,477,628 (5/13/04 – priority date 5/14/03).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.

Claims 1 & 2 are rejected under 35 U.S.C. 102(d) as being barred by applicant's European Patent 1,477,628 (4/13/04 priority date 5/14/03).

Salice '628 clearly teaches a furniture hinge comprising a fixing arm (3) for fixing to a piece of furniture, a member for fixing to a door (7), a first and second rocker (5, 6) forming a four-bar linkage and connecting to a door to enable reciprocal pivoting, an elastic element (8) provided with first and second arms (see below) and hinge to a pivoting pin (12) of the first rocker at an end thereof and wherein one of the first and second arms of the elastic element exerts an elastic reaction against the member for

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fixing to the furniture or door and the other arm exerts a reaction on one of the rockers so as to compress the elastic element and to produce a moment generating a pushing force in an opening direction of the door when the hinge is placed in a position defining a closing position of the door (see paragraph [0006], [0010], Col 4, Lines 9-14). As the applicant has not defined what is considered "a position defining a closing position of the door", it is the view of the Examiner that it is reasonable to interpret Salice '628 as reading on this functional language, **[Claim 1]**.

Regarding **Claim 2**, Salice '628 teaches the elastic element hinged to the pin (12) connecting the fixing arm (3) to the first rocker (5) and the first arm of the elastic element exerts an elastic reaction on the fixing arm and the second arm of the elastic element exerts an elastic reaction on the first rocker.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salice '628 in view of Mueller, German Patent 2,746,410 (4/19/79)

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All the aspects of the instant invention are disclosed above but for the elastic element hinged to the pin connecting the member to the first rocker and first arm of the elastic element exerts an elastic reaction on the second rocker and the second arm of the elastic element exerts an elastic reaction on the member for fixing to the door. Mueller teaches a hinge with an elastic element (10) hinged to the pin (12) connecting the member (5) to a first rocker (10) and the first arm of the elastic element exerts an elastic reaction on the member (5). Mueller does not teach the second arm of the elastic element exerting an elastic reaction on the second rocker. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to place the elastic element of Ferrari on the pin (16) of Ferrari as taught by Mueller to provide elastic reactions against the member (11) of Ferrari and the second rocker (14) because this design would make the elastic member easier to replace if it were damaged.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salice '628 in view of Kawano, Japanese Patent 1,247,679 (10/3/89).

All the aspects of the instant invention are disclosed above but for the elastic element exerting the elastic reaction for a short arc only of the reciprocal pivoting. Kawano '679 teaches the elastic element hinged on the pin connecting the first rocker and fixing arm (see reference 15) and the elastic element exerting the elastic reaction for a short arc only of the reciprocal pivoting (see Col 3, Lines 10-20). At the time of the invention it would have been obvious to one of ordinary skill in the art to provide Ferrari

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with the features as taught by Kawano because the hinge would then be easier to assemble.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW SULLIVAN whose telephone number is (571)270-5218. The examiner can normally be reached on Mon-Thurs, 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677

/MATTHEW SULLIVAN/
Examiner, Art Unit 3677